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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

SUMMARY RECORD OF THE 402nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 September 1997, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Lao People's Democratic Republic (CRC/C/8/Add.32); List of issues (CRC/C/Q/LAO/1); written replies by the Lao Government to the questions on the list of issues (document without a symbol distributed in the meeting room, in English only)

1. At the invitation of the Chairperson, the members of the Lao delegation resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions on education, leisure and cultural activities (paras. 36-39 of the list of issues).

3. Mrs. OUEDRAOGO said she wished to revert to two points raised at the previous meeting. The first concerned the adoption procedure, which according to the delegation's replies was handled by the police and prosecution services: she wondered whether such services were competent to provide the children with the necessary psychological care. Her second point concerned kidnapping, which was apparently not regarded as a criminal offence if it resulted in a better life for the child. In that case, also, she believed that the child's opinion should be taken into consideration and that kidnapping someone against his or her will should be punished.

4. With regard to education, she would like clarifications on the measures being considered by the Lao Government to encourage school enrolment for children in rural areas and to improve teacher-training. In particular, she would like to know whether the Government was cooperating with UNESCO and whether the authorities had made a preliminary evaluation of the programmes being financed by the World Bank and the Asian Development Bank, what measures had been taken to familiarize schoolchildren with the Convention, and what were the causes of academic failure. In order to encourage the enrolment of girls in school, a national plan of action should be adopted in accordance with the Beijing Declaration; she wondered what progress the Government had made in implementing the Plan of Action adopted at the Beijing Conference.

5. Mrs. KARP asked whether compulsory schooling was free of charge and whether financial assistance was available for children from disadvantaged families. She would also like further information on the steps taken to encourage school attendance by girls living in isolated villages.

6. Mrs. PALME asked whether the low school attendance rate throughout the country was not to some extent due to a malnutrition problem. She would also like further details on what happened to children who left school at the age of 10, when compulsory schooling ended.

7. The CHAIRPERSON asked for details on how the educational system operated and on whether it was to be decentralized, as well as on the number of children in school and the level of remuneration of the teaching staff. She

would also like to know whether there was a problem with migration of talent and whether steps were taken to encourage teachers to remain in the educational system.

8. Mr. KIETISACK (Lao People's Democratic Republic), replying to the question on kidnapping, explained that he had been speaking about a case involving the child of a Lao father and a German mother who had been taken back to Germany by the mother. In his opinion, that had not been an actual kidnapping, since the mother held parental authority. However, transactions involving removals of children were regarded as prosecutable offences. Regarding the adoption procedure, the role of the police and prosecution services was limited to verifying compliance with legality and the good faith of the adoptive parents. Any necessary psychological care was naturally provided by trained professionals.

9. Turning to issues relating to education, he said that compulsory schooling was entirely free of charge and that, despite its financial difficulties, the Lao Government saw to it that there were no exceptions to that principle. Compulsory schooling lasted for 11 years, following which students could register for university. There was a national university, which included six faculties. With a teaching staff of 40,000, the Ministry of Education was the ministry with the largest number of personnel. That figure was still insufficient, however, and led to problems of overcrowding (up to 100 or so pupils per class) and access to education in isolated villages. Much progress was needed in the area of teacher-training. Some teachers had begun to be trained abroad, but only in the last few years. The education sector, moreover, was the sector hardest-hit by migration of talent, with many teachers turning to the private sector and even political careers. That problem did not extend beyond the country's borders, however.

10. One of the priorities set by the authorities was to encourage access to education by girls and children from remote areas. In that connection, all births were registered, the authorities knew at all times which children were of school age and the educational authorities met annually at the district level to ensure that the law was enforced in the education sector. Regarding guidance for the thousands of young people who left school at the end of compulsory schooling, the Government was aware of the problem, which related essentially to the insufficient number of educational institutions. It was therefore focusing its efforts on establishing more vocational high schools.

11. Mrs. VONGSAK (Lao People's Democratic Republic) said that the malnutrition problems in her country related less to lack of food than to ignorance on the part of certain parents. Thus, the authorities focused their efforts on educating parents: breast-feeding was encouraged and day-care and nursery-school personnel distributed vitamins to families. In-service training and home training were available to doctors after completion of their university studies. There had been an average of 2.3 doctors and 9.7 medical auxiliaries per district in 1995.

12. The Union of Lao Women continued to publicize text of the Beijing Plan of Action among women in order to raise their awareness of the need to participate in development. Enrolment of girls in school was encouraged, which was why there were more girls than boys enrolled at the primary level.

At the secondary level, the proportion was approximately equal, and it was not until university level that there were fewer girls enrolled. Regarding the participation of women in politics, there were plans to raise the representation of women in the National Assembly to 20 per cent (as against the current rate of 9 per cent).

13. The CHAIRPERSON said that she was concerned at the lack of provision for children who left school at the age of 10 and asked whether the Government was planning to extend the duration of compulsory schooling. Were there actions targeting parents, to make them understand the value of education and encourage them to leave their children in school as long as possible? Should education not be better adapted to the needs of the labour market, for example in preparing young people to work independently if they did not find employment in the public or private sectors? On another matter, she asked whether the schools had been able to organize in such a way as to solve the problem of absenteeism by children who helped their parents with agricultural work. For all education-related matters, the Lao People's Democratic Republic might do well to strengthen its ties with UNESCO.

14. Mrs. KARP said that, although basic education was free in the Lao People's Democratic Republic as in many other countries, parents were no doubt called on to meet certain costs; what happened when they could not afford to do so? Why had the targets for pre-school education not been achieved? Was it because of its cost, lack of structures or parents' reluctance? It was important to be well-prepared for entering school, especially in the remote regions, as a factor in reducing the drop-out rate later on. Were children consulted in the establishment of school curricula and did they have any input in disciplinary procedures in school? Were parents who did not send their children to school when required to do so punished, and were there teams of inspectors to ensure that compulsory schooling was enforced?

15. Mrs. PALME, reverting to the problem of children who left school at age 10, and of child labour in general, said that one way of combating early and unskilled labour by children might be to extend the duration of compulsory schooling. She also had information that some children worked up to 10 hours per day. Even if the minimum age of employment in the country was 15, the Lao People's Democratic Republic should consider becoming a party to ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

16. Mr. RABAH asked whether school curricula included play and recreational activities.

17. Mrs. VONGSAK (Lao People's Democratic Republic) said that there were no children working 10 hours per day in the Lao People's Democratic Republic. There were several options open to children who left school at the end of compulsory schooling: some helped their parents, others went on to secondary education and still others attended private vocational schools. The number of such schools had steadily increased in the last three years; they offered various types of instruction, with computer training, languages and accounting being some of the most popular areas. Although the general situation with regard to vocational training was not yet satisfactory, the Government was attempting to improve it. Problems raised by children's participation in

rural seasonal work had been solved several years earlier by organizing the school year in such a way that vacations coincided with agricultural work periods. Although it was true that parents were sometimes called on to pay extra expenses entailed by compulsory education only those who could afford to had to pay. The pre-school education structures, introduced over 10 years earlier, were continually being developed, and the authorities also encouraged the private sector to open pre-school establishments. As yet, however, it was unusual to find such structures in the mountainous or remote regions.

18. Regarding languages, Lao was the official language and the most widely used language of education. The members of the various ethnic groups generally spoke non-written languages, often together with Lao, but people inhabiting the most remote regions still had comprehension problems. Regarding the school curricula, basic education was composed of a common-core syllabus and the pupils could choose among several branches when they reached the secondary level, depending on the schools' possibilities and the availability of teachers. Pupils did not take part in designing school curricula, and parents' obligation to send their children to school was not laid down by law, so that failure to fulfil that obligation was not legally punishable. However, the community as a whole informed and sensitized parents concerning the importance of education. Inspectors were assisted by village or district leaders in inspecting the schools. Lastly, the school curricula included sports and music and dance classes, as well as nature outings.

19. The CHAIRPERSON invited the members of the Committee to ask questions about special protection measures for children (paras. 40-47 of the list of issues).

20. Mr. KOLOSOV referred to the situation of the many categories of children in need of special protection measures, which include disabled children, children in conflict with the law, child victims of war, economically exploited children, child victims of sexual and other violence, refugee and displaced children and abandoned children. Society must understand that all those children had the same rights as other children, and the Government should take special measures to guarantee respect for their rights. Such measures should include financial support, but also physical and mental rehabilitation and reinsertion into society.

21. The CHAIRPERSON asked whether the victims of landmines were provided with physical and psychological rehabilitation programmes in addition to the support they received from village leaders and Buddhist monks. She expressed appreciation for the fact that the Government, in cooperation with UNDP and UNICEF, had designed an unexploded ordnance programme, but it was her understanding that there was no research in the Lao People's Democratic Republic on soil and water pollution from the toxic chemicals discharged during the war, whereas such research had been conducted in Viet Nam; she asked whether the Government was considering concluding a bilateral agreement in order to take advantage of the experience acquired by Viet Nam in studying and treating that problem.

22. Mrs. PALME asked to what extent the Plan of Action adopted by the World Summit for Children, held at Stockholm in 1990, was being implemented in the Lao People's Democratic Republic. On another matter, she was disturbed at the

situation of children in prison, who were not separated from adult offenders, and asked what was being done to educate and rehabilitate them.

23. Mrs. KARP said that, when the Lao authorities prepared their system of juvenile justice, it was important to take into account all aspects relating to juvenile delinquency; she asked whether the authorities had considered requesting international assistance in conducting that process. Regarding protection of children against sexual violence, it was her understanding that boys over 15 were not protected against sexual offences, including rape. If that was the case, the legislation should be amended. Incest against girls over 15 years appeared to be punishable only if it constituted rape. Incest, however, did not always have the same characteristics as rape, since it was not always accompanied by violence. On that point also, the legislation should be amended. The legislation should also clearly establish the fact that child victims of sexual violence, such as children practising prostitution, were not offenders. Lastly, she asked whether there were problems relating to pornography and how protection and follow-up was provided to child victims of sexual violence. Did the prosecuting agencies and health-care bodies work in a coordinated manner? For example, were the victims' families assisted by multidisciplinary teams?

24. The CHAIRPERSON noted that the initial report indicated in several places that one of the methods used to treat offenders 15 and 16 years of age was to publicize the offence; she would like further information in that connection, for publicizing the offence did not appear to be in conformity with the Convention's stipulations concerning the best interests of the child, especially the child's right to privacy. She would also like to know whether minors under prosecution who were members of ethnic minorities were provided with the services of an interpreter if they did not speak Lao. There was information indicating a cross-border traffic in boys and girls between the Lao People's Democratic Republic and neighbouring countries; she believed that Thailand and the Lao People's Democratic Republic had concluded an agreement on that problem. She asked whether agreements of that type were planned with other adjoining countries, such as Cambodia and Viet Nam, and what had been the results of the agreement concluded with Thailand.

25. Mr. RABAH inquired about the scale of the problem of street children in the Lao People's Democratic Republic, whether there were statistics on street children and how such children were treated and protected. He would also like information on child labour, in particular by girls, and on the steps taken to protect them.

26. Mrs. KARP noted that, according to the information provided, children under 15 years of age did not bear penal responsibility but could be the subject of certain measures and penalties; she asked what type of penalties were involved and, if they did not result from a criminal procedure, how they were decided on and whether they were not at variance with the rights that children should enjoy. Regarding legal representation, she asked whether there was a legal aid system, whether all children in need of legal assistance received it and whether steps were taken to help children who were under prosecution or any of the other measures and penalties applicable to them.

27. Mr. KIETISACK (Lao People's Democratic Republic) said that there were no precise statistics on the number of abandoned children but that he believed there were very few such children in Laos. The Government tried to help street children, in particular by arranging for them to be placed in orphanages or schools for orphans; there were two major establishments of that type in the capital and another had been set up in the provinces with the help of SOS International.

28. Juvenile delinquency was a limited problem as yet, as less than 100 minors were prosecuted annually. They were most often petty thieves and only multiple offenders were prosecuted. There was no specific legislation protecting minors' rights, but generally speaking they were not placed in pre-trial detention and every attempt was made to avoid prosecuting them. Three years earlier, the crime rate among children aged 15 to 18 had begun to increase, mainly as a result of brawls among adolescents and a number of rapes. Thanks to a campaign aimed at young people, however, the number of cases appeared to be decreasing. Another new and distressing phenomenon was glue sniffing and consumption of drugs, a problem the authorities were taking steps to combat.

29. There was no discrimination in Lao society against children in difficult situations who, on the contrary, were traditionally shown much tolerance and compassion. The introduction of a market-oriented economy had not yet had repercussions in the social sphere, and such problems only arose in urban areas. Protection measures were determined in cooperation with parents, the community and teachers with a view to rehabilitating children in difficulty and helping them as much as possible. However, there was no specific legislation in that area as yet and no children's courts existed, but the establishment of such courts was being discussed.

30. The Lao People's Democratic Republic had only a small number of prisons, and minors therefore had to be kept on the same premises as adults, but juvenile offenders were only incarcerated if they displayed particularly dangerous behaviour. In addition, it was very rare for girls to be placed in detention, and if detained they were separated from adults.

31. The number of children in prison was very low and did not exceed 50 or so out of a total prison population of 500 to 600. It was true that prison conditions left much to be desired, that prisons were dilapidated and that some went back to the colonial era, but the Government was aware of the problem and was attempting to gather the funds to resolve it. On the other hand, prisoners were allowed to practise certain productive activities, such as crafts, and to sell what they produced in order to improve their conditions of detention, and the law stipulated that children in prison were released after serving half their sentence in order to avoid contact between juvenile and adult offenders for too long a period of time.

32. No agreements had yet been concluded with Thailand or any of the other border countries regarding multilateral cooperation to prevent the traffic in children and protect immigrant workers. Only one mechanism existed with regard to Thailand: the Joint Border Commission, which was responsible for considering all potential problems; that mechanism was insufficient, however,

and the Government had looked into the question of ways to discourage minors from going abroad to work and to prevent the traffic in children for prostitution purposes.

33. Only three or four years earlier had the authorities begun to deal with the problem of unexploded ordnance - essentially bombs dropped by aeroplane during the war - which continued to kill people every year - mainly children, as children under 16 years represented 40 per cent of all victims. In late 1995 special funds for financing the recovery and destruction of unexploded ordnance had been obtained through UNDP, UNICEF and friendly countries. The goal was to conduct a campaign to raise awareness of the danger such ammunition represented, train Lao personnel in the regions where there was unexploded ordnance to be recovered and study the social and economic effects of the problem. In that connection, priority had been given to inventory and cartography work in three provinces, which would be extended to nine more provinces located in particular along the Viet Nam border. Efforts also focused on rehabilitating the victims and mitigating all the other negative consequences for them. Owing to the lack of resources, however, such efforts were restricted.

34. Lao society was very conservative as far as sexual relations were concerned and did not encourage children under 15 years of age to have sex. Sex was even taboo, which was often an obstacle to sex education and to preventing certain risks. The members of the Committee had given some sound advice on the age limits for access to sex shows and certain activities, and his country would see to it that the relevant provisions were amended and that all the contradictions mentioned were eliminated. In cases of sexual relations with a child under 15 there was presumption of rape, whether or not consent occurred, but that was a sensitive issue for which no specific provisions existed.

35. The Lao Government did not have precise statistics on child labour, but in general girls worked in families and after a certain age boys seemed to be work more than girls. Concerning juvenile delinquency, children responsible for criminal offences who had not reached the age of penal responsibility were liable to lighter sentences than those provided for an adult who committed the same offence.

36. Mrs. VONGSAK (Lao People's Democratic Republic) said that defoliants and the remains of chemical war weapons were having a severe effect on her country, especially in the areas near Viet Nam. The Lao Government had not yet studied the impact of that problem, especially on the pregnant women and newborn babies living in the polluted regions.

37. The CHAIRPERSON asked whether the Lao Government had ratified ILO Convention No. 138 concerning Minimum Age for Admission to Employment. She would also like to know whether there were street children in the Lao People's Democratic Republic and whether working children effectively enjoyed the rights to which they were entitled.

38. Mr. KIETISACK (Lao People's Democratic Republic) said that his country was a member of ILO and that it intended shortly to ratify Convention No. 138 in order to provide protection for working children. Child labour, however,

was not a serious problem in the country. The country's few factories were not allowed to recruit young children. The task at hand was to deal with unemployment and create more jobs in order to prevent managers from going abroad.

39. The meeting was suspended at 12.25 p.m. and resumed at 12.35 p.m.

40. The CHAIRPERSON invited the members of the Committee to make comments on the Lao delegation's remarks.

41. Mr. KOLOSOV noted that the Lao People's Democratic Republic was a young, and independent State with a low level of industrialization, which was encountering many difficulties. Its complex population consisted of many minorities speaking different dialects. Implementing the Convention on the Rights of the Child was already difficult in such a context, and that difficulty was aggravated by the lack of resources. It was therefore important for the country to try to set appropriate priorities, develop specific legislation on children, raise public awareness of children's problems and collect reliable statistics on children's health. In doing so, it would do well to seek technical and financial cooperation from United Nations agencies.

42. Mrs. OUEDRAOGO encouraged the Lao People's Democratic Republic to continue its efforts, especially in raising awareness of children's rights, disseminating the Convention and bringing national legislation into line with the Convention's provisions. Families and society at large should pay more attention to the best interests of the child. She also urged the Lao Government to strengthen education and health programmes, establish a structure for assessment and coordination of the various programmes and activities for children and strengthen the country's legal and social system. Lastly, measures should be taken to prevent child labour and child prostitution, which were widespread problems at the world level.

43. Mrs. PALME expressed appreciation for the Lao delegation's expression of its political will to protect the rights of children. She noted that cooperation had already begun with bilateral and multilateral organizations, which she hoped would help the country meet children's needs, especially in the areas of education and nutrition. She was, however, concerned by the inadequate resources allocated to training young people in the 10-15 and 15-18-year age groups and by the difficult issue of anti-personnel landmines in the areas near the Viet Nam border.

44. Mr. RABAH commended the efforts which the Lao Government was making on behalf of children, in spite of the country's socio-economic difficulties. He stressed the role of children in society and the importance that should be attached to juvenile justice. In that connection, every possible effort should be made to ensure that minors in detention were separated from adult offenders.

45. Mrs. KARP associated herself with the various remarks made by the members of the Committee. The implementation of the Convention was in itself a development process leading to understanding of the meaning of children's rights at the practical level and improvement of society as a whole. She

hoped that the Convention would serve as a code of ethics for Lao families and Lao society at large. Lastly, she hoped that the Committee's recommendations and suggestions would be publicized throughout the country.

46. Mrs. VONGSAK (Lao People's Democratic Republic) expressed appreciation for her delegation's very positive exchange with the members of the Committee. The Committee's recommendations were very valuable in that they provided a clearer idea of the rights of the child. However, she emphasized that her country's lack of resources was becoming an increasing problem in areas where needs were constantly accumulating. The country sorely needed assistance from the international community and from the Committee in order to meet the objectives of the Convention on the Rights of the Child.

47. The CHAIRPERSON thanked the Lao Government for its commitment to respect its obligations under the Convention. That commitment would only be a reality if the Lao Government proceeded to prepare and implement specific legislation on the rights of children. The National Commission for Mothers and Children should give greater emphasis to the needs of children in Lao society, and there should be a change in the society's daily behaviour towards children. She hoped that the country would ratify other international instruments to help it progress along the road to democracy.

The meeting rose at 1.05 p.m.